

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James B. Skelton, aka James Bennie Skelton,)	
)	C/A No. 3:13-0465-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
United States Supreme Court,)	
)	
Defendant.)	
_____)	

Plaintiff James B. Skelton, appearing pro se, brings this action pursuant to 42 U.S.C. § 1983. Plaintiff seeks to overturn rulings of the Supreme Court outlawing prayer in public schools. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Jacqueline D. Austin for a Report and Recommendation. The Magistrate Judge conducted a review of the complaint pursuant to 28 U.S.C. §§ 1915 and filed a Report and Recommendation on March 14, 2013, in which she determined that Plaintiff lacked standing to bring the within action. Accordingly, the Magistrate Judge recommended that this action be summarily dismissed for lack of jurisdiction. Plaintiff filed objections to the Report and Recommendation on March 22, 2013.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id.

Plaintiff's objections read verbatim as follows:

In accordance with James B Skelton v. United States Supreme Court, the following is submitted. The first amendment to the United States constitution guarantees freedom of religion. This basic right which is a part of our Bill of Rights, guarantees that government will not interfere in any religious actions of the people. In other words the United States Supreme Court has no legal authority to judge prayer in schools, the posting of The Ten Commandments, the display of Christmas manger scenes etc. Furthermore the United States Supreme Court has violated the United States Constitution in these matters. The United States Supreme Court has assumed powers not authorized by the United States Constitution, and the justices can be impeached and removed from office under article 111 section 1 of the United States Constitution. As a man of God and the grandson James Mattison God has given me the true interpretation of the constitution without any liberal bias. I stand my ground on this issue and may God have mercy on your soul for you know not what you do.

ECF No. 12.

The district court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge's report to which objections have been filed. Id. However, the district court need not conduct a *de novo* review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982). Plaintiff's comments do not rebut the Magistrate Judge's conclusion that he lacks standing to assert his claims.

The court adopts the Report and Recommendation of the Magistrate Judge. The within action is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour

Senior United States District Judge

Columbia, South Carolina

April 23, 2013

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.